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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,077	07/08/2003	Henry C. Daniels	288903-00226-1	9927
7590	05/17/2004			
David V. Radack Eckert Seamans Cherin & Mellott, LLC 44th Floor 600 Grant Street Pittsburgh, PA 15219			EXAMINER FONTAINE, MONICA A	
			ART UNIT	PAPER NUMBER
			1732	
DATE MAILED: 05/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,077

Applicant(s)

DANIELS ET AL.

Examiner

Monica A Fontaine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "42" has been used to designate both wall sections and open wall sections. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because although Figures 8-10 are supposedly a view at line 10-10 of Figure 2, Figure 2 does not show a mold. Since Figure 2 does not show any mold structure, Figures 8-10 should not show a mold either. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (U.S. Patent 4,174,096), in view of Rosato's Injection Molding Handbook (3rd ed). Campbell shows that it is known to carry out a method of molding a barrier edging (Abstract), wherein the edging

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has a single thin wall structure of readily-moldable material having a first end and a second end spaced generally horizontally from said first end when the barrier edging is in an operative position (Figure 1); the thin wall structure including a lower penetrating portion constructed and arranged to be moved generally vertically in penetrating relation into a ground area so that the lower penetrating portion is fixed within the ground area when the barrier edging is in the operative position (Figure 11); an upper barrier portion constructed and arranged to be disposed above the ground area when the lower penetrating portion is fixed therein (Figures 7 and 11), the lower penetrating portion and said upper barrier portion defining front and back faces of said thin wall structure, the front face of the upper barrier portion being configured to provide a decorative, viewable appearance (Figure 11); the thin wall structure also including first and second complimentary thin wall connecting elements integrally formed at the first and second ends, respectively, and positioned such that (1) the first connecting element of the barrier edging complimentary connects with a second connecting element of a first similar barrier edging fixed within the ground area by moving the penetrating portion of the barrier edging generally vertically into the ground area in adjacent relation to said first similar barrier edging so as to extend perpendicularly therefrom, generally in alignment therewith, or at any angular relation therebetween (Figures 4-5; Column 5, lines 59-66), and (2) when the penetrating portion of the barrier edging is fixed within the ground area, the second connecting element of the barrier edging complementarily connects with a first connecting element of a second similar barrier edging by moving the penetrating portion of the second similar barrier edging vertically into the ground area so as to extend perpendicularly therefrom, generally in alignment therewith, or at any angular relation therebetween (Figures 4-6; Column 5, lines 88-58; Column 7, lines 33-63;

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Column 8, lines 42-52). Campbell does not give specifics about his molding operation. Rosato shows that it is known in the prior art for a molding process to include the steps of providing a pair of complimentary molding dies relatively movable toward and away from one another in opposite relative directions, the pair of complimentary molding dies having first and second surfaces constructed and arranged to define an object, engaging said pair of complimentary dies by effecting a relative movement of said pair of complimentary dies in a closing direction toward one another and generally perpendicular to the first and second surfaces such that said surfaces are directly opposed to one another and said surfaces are in cooperating relation to one another so as to define a void space between said first and said second surfaces, injecting a molding material into said void space; allowing the injected molding material to set to form said barrier edging; and removing the molded object from said complimentary dies after effecting a relative movement of the same in an opening direction away from one another and generally perpendicular to said first and second surfaces (Pages 2 and 7). Rosato and Campbell are combinable because they are concerned with a similar technical field, namely, that of products which are made by molding operations. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to follow Rosato's specific molding steps during Campbell's molding operation in order to follow an accepted and efficient sequence of molding.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tisbo et al. (U.S. Patent 4,357,000), in view of Rosato's Injection Molding Handbook (3rd ed). Tisbo et al., hereafter "Tisbo," show that it is known to carry out a method of molding a barrier edging (Abstract), wherein the edging has a single thin wall structure of readily-moldable material

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having a first end and a second end spaced generally horizontally from said first end when the barrier edging is in an operative position (Figure 1); the thin wall structure including a lower penetrating portion constructed and arranged to be moved generally vertically in penetrating relation into a ground area so that the lower penetrating portion is fixed within the ground area when the barrier edging is in the operative position (Figure 1); an upper barrier portion constructed and arranged to be disposed above the ground area when the lower penetrating portion is fixed therein (Figure 1), the lower penetrating portion and said upper barrier portion defining front and back faces of said thin wall structure, the front face of the upper barrier portion being configured to provide a decorative, viewable appearance (Figure 1); the thin wall structure also including first and second complimentary thin wall connecting elements integrally formed at the first and second ends, respectively, and positioned such that (1) the first connecting element of the barrier edging complimentary connects with a second connecting element of a first similar barrier edging fixed within the ground area by moving the penetrating portion of the barrier edging generally vertically into the ground area in adjacent relation to said first similar barrier edging so as to extend perpendicularly therefrom, generally in alignment therewith, or at any angular relation therebetween (Figures 2-6; Column 3, lines 37-66; Column 4, lines 5-22), and (2) when the penetrating portion of the barrier edging is fixed within the ground area, the second connecting element of the barrier edging complimentary connects with a first connecting element of a second similar barrier edging by moving the penetrating portion of the second similar barrier edging vertically into the ground area so as to extend perpendicularly therefrom, generally in alignment therewith, or at any angular relation therebetween (Figures 2-6; Column 3, lines 37-66; Column 4, lines 5-22). Tisbo does not give specifics about his

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molding operation. Rosato shows that it is known in the prior art for a molding process to include the steps of providing a pair of complimentary molding dies relatively movable toward and away from one another in opposite relative directions, the pair of complimentary molding dies having first and second surfaces constructed and arranged to define an object, engaging said pair of complimentary dies by effecting a relative movement of said pair of complimentary dies in a closing direction toward one another and generally perpendicular to the first and second surfaces such that said surfaces are directly opposed to one another and said surfaces are in cooperating relation to one another so as to define a void space between said first and said second surfaces, injecting a molding material into said void space; allowing the injected molding material to set to form said barrier edging; and removing the molded object from said complimentary dies after effecting a relative movement of the same in an opening direction away from one another and generally perpendicular to said first and second surfaces (Pages 2 and 7). Rosato and Tisbo are combinable because they are concerned with a similar technical field, namely, that of products which are made by molding operations. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to follow Rosato's specific molding steps during Tisbo's molding operation in order to follow an accepted and efficient sequence of molding.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alvyn (U.S. Patent 4,930,753), in view of Rosato's Injection Molding Handbook (3rd ed). Alvyn shows that it is known to carry out a method of molding a barrier edging (Abstract), wherein the edging has a single thin wall structure of readily-moldable material having a first end and a second end spaced generally horizontally from said first end when the barrier edging is in an operative

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position (Figure 8); the thin wall structure including a lower penetrating portion constructed and arranged to be moved generally vertically in penetrating relation into a ground area so that the lower penetrating portion is fixed within the ground area when the barrier edging is in the operative position (Figures 8 and 9); an upper barrier portion constructed and arranged to be disposed above the ground area when the lower penetrating portion is fixed therein (Figures 8 and 9), the lower penetrating portion and said upper barrier portion defining front and back faces of said thin wall structure, the front face of the upper barrier portion being configured to provide a decorative, viewable appearance (Figure 8); the thin wall structure also including first and second complimentary thin wall connecting elements integrally formed at the first and second ends, respectively, and positioned such that (1) the first connecting element of the barrier edging complimentary connects with a second connecting element of a first similar barrier edging fixed within the ground area by moving the penetrating portion of the barrier edging generally vertically into the ground area in adjacent relation to said first similar barrier edging so as to extend perpendicularly therefrom, generally in alignment therewith, or at any angular relation therebetween (Figures 1-6; Column 3, lines 60-68; Column 4, lines 1-10; Column 6, lines 34-50), and (2) when the penetrating portion of the barrier edging is fixed within the ground area, the second connecting element of the barrier edging complementarily connects with a first connecting element of a second similar barrier edging by moving the penetrating portion of the second similar barrier edging vertically into the ground area so as to extend perpendicularly therefrom, generally in alignment therewith, or at any angular relation therebetween (Figures 1-6; Column 3, lines 60-68; Column 4, lines 1-10; Column 6, lines 34-50). Alvyn does not give specifics about his molding operation. Rosato shows that it is known in the prior art for a

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molding process to include the steps of providing a pair of complimentary molding dies relatively movable toward and away from one another in opposite relative directions, the pair of complimentary molding dies having first and second surfaces constructed and arranged to define an object, engaging said pair of complimentary dies by effecting a relative movement of said pair of complimentary dies in a closing direction toward one another and generally perpendicular to the first and second surfaces such that said surfaces are directly opposed to one another and said surfaces are in cooperating relation to one another so as to define a void space between said first and said second surfaces, injecting a molding material into said void space; allowing the injected molding material to set to form said barrier edging; and removing the molded object from said complimentary dies after effecting a relative movement of the same in an opening direction away from one another and generally perpendicular to said first and second surfaces (Pages 2 and 7).

Rosato and Alvyn are combinable because they are concerned with a similar technical field, namely, that of products which are made by molding operations. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to follow Rosato's specific molding steps during Alvyn's molding operation in order to follow an accepted and efficient sequence of molding.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gau (U.S. Patent 6,085,458), in view of Rosato's Injection Molding Handbook (3rd ed). Gau shows that it is known to carry out a method of molding a barrier edging (Abstract; Column 4, lines 37-39), wherein the edging has a single thin wall structure of readily-moldable material having a first end and a second end spaced generally horizontally from said first end when the barrier edging is in an operative position (Figure 1); the thin wall structure including a lower penetrating portion

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constructed and arranged to be moved generally vertically in penetrating relation into a ground area so that the lower penetrating portion is fixed within the ground area when the barrier edging is in the operative position (Figure 1); an upper barrier portion constructed and arranged to be disposed above the ground area when the lower penetrating portion is fixed therein (Figure 1), the lower penetrating portion and said upper barrier portion defining front and back faces of said thin wall structure, the front face of the upper barrier portion being configured to provide a decorative, viewable appearance (Figure 1); the thin wall structure also including first and second complimentary thin wall connecting elements integrally formed at the first and second ends, respectively, and positioned such that (1) the first connecting element of the barrier edging complimentary connects with a second connecting element of a first similar barrier edging fixed within the ground area by moving the penetrating portion of the barrier edging generally vertically into the ground area in adjacent relation to said first similar barrier edging so as to extend perpendicularly therefrom, generally in alignment therewith, or at any angular relation therebetween (Figure 4; Column 4, lines 19-21, 49-67; Column 5, lines 1-11), and (2) when the penetrating portion of the barrier edging is fixed within the ground area, the second connecting element of the barrier edging complementarily connects with a first connecting element of a second similar barrier edging by moving the penetrating portion of the second similar barrier edging vertically into the ground area so as to extend perpendicularly therefrom, generally in alignment therewith, or at any angular relation therebetween (Figure 4; Column 4, lines 19-21, 49-67; Column 5, lines 1-11). Gau does not give specifics about his molding operation. Rosato shows that it is known in the prior art for a molding process to include the steps of providing a pair of complimentary molding dies relatively movable toward and away from one another in

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opposite relative directions, the pair of complimentary molding dies having first and second surfaces constructed and arranged to define an object, engaging said pair of complimentary dies by effecting a relative movement of said pair of complimentary dies in a closing direction toward one another and generally perpendicular to the first and second surfaces such that said surfaces are directly opposed to one another and said surfaces are in cooperating relation to one another so as to define a void space between said first and said second surfaces, injecting a molding material into said void space; allowing the injected molding material to set to form said barrier edging; and removing the molded object from said complimentary dies after effecting a relative movement of the same in an opening direction away from one another and generally perpendicular to said first and second surfaces (Pages 2 and 7). Rosato and Gau are combinable because they are concerned with a similar technical field, namely, that of products which are made by molding operations. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to follow Rosato's specific molding steps during Gau's molding operation in order to follow an accepted and efficient sequence of molding.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with regard to manufacturing objects which are easily connected to one another:

U.S. Patent 3,462,181 to Lewis

U.S. Patent 3,484,081 to Rowan

U.S. Patent 3,877,140 to Topolsek

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U.S. Patent 4,154,431 to Burnbaum

U.S. Patent 4,407,534 to Petz

U.S. Patent 6,324,783 to McIntyre et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianne can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 11, 2004



MICHAEL COLAIANNI
PRIMARY EXAMINER